

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ETHAN MURPHY et al.

Plaintiffs

v.

PHILIPPE LAJAUNIE et al.

Defendants

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No. 13Civ-6503 (RJS) (SN)

Affidavit of Philip Lajaunie, in response to:

Declaration of Denise A. Schulman

Defendant Lajaunie is not sure whether a Response is due for this document.

However, two notes must be made:

In paragraph 9, the "repeated discovery violations" are alleged. Further procedures will demonstrate that Defendants had, in fact, furnished nearly all documentation as requested by the Court.

In paragraph 70, no general manager has testified that managers and M'Ds were interchangeable. In fact, we have demonstrated through numerous staff depositions, that at least one M'D had been fired by a manager precisely because he had attempted to direct staff. Defendants also have established from several employees' testimonies that Managers and M'Ds were clearly defined, and that managers were always in function at both restaurants.